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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ITS  
NOTICE OF SUBMISSION OF  
DEPOSITION DESIGNATION PACKETS**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of its Notice of Submission of Deposition Designation Packets. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Appendix 1	Entire Document	Defendants
Appendix 2	Entire Document	Waymo; Defendants
Appendix 3A	Entire Document	Defendants
Appendix 3B	Entire Document	Waymo; Defendants
Appendix 4	Entire Document	Defendants
Appendix 5	Entire Document	Defendants
Appendix 6	Entire Document	Waymo; Defendants
Appendix 7	Entire Document	Defendants
Appendix 8	Entire Document	Waymo; Defendants
Appendix 9	Entire Document	Waymo; Defendants
Appendix 10	Entire Document	Waymo; Defendants
Appendix 11	Entire Document	Defendants
Appendix 12	Entire Document	Defendants

## **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

## **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the documents identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s trade secrets. *See* Declaration of Felipe Corredor (“Corredor Decl.”) ¶¶ 3-5. Courts have determined that trade secret information

1 merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078, 2015 WL  
2 3993147, at \*1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade*  
3 *Commc'ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013 WL 211115, at \*1, \*3 (N.D. Cal.  
4 Jan. 17, 2013) (granting request to seal document that “consists entirely of descriptions of Brocade’s  
5 trade secrets”). Confidential business information that, if released, may “harm a litigant’s competitive  
6 standing” also merits sealing. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598-99 (1978).  
7 Waymo seeks to seal trade secrets that fit squarely within these categories. Corredor Decl. ¶¶ 3-5.  
8 Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the information  
9 remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *See* Corredor  
10 Decl. ¶ 4. Waymo has narrowly tailored its requests to only information meriting sealing. *Id.* ¶ 5. In  
11 fact, both *Music Group* and *Brocade* found the confidential information at issue in those cases met the  
12 heightened “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at \*1;  
13 *Brocade*, 2013 WL 211115, at \*1, \*3. The information that Waymo seeks to seal, therefore, also  
14 meets this heightened standard. The disclosure of Waymo’s trade secret information would harm  
15 Waymo. Corredor Decl. ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is  
16 consistent with other administrative motions to seal that have already been granted by the Court in this  
17 case. (*See, e.g.*, Dkt. 416, 414, 406, 393, 392.) Thus, the Court should grant Waymo’s administrative  
18 motion to seal.

19 **III. DEFENDANTS’ CONFIDENTIAL INFORMATION**

20 Waymo only seeks to seal the documents identified as designated by Defendants in the table  
21 above because Waymo believes such information is considered confidential or non-public by  
22 Defendants. Corredor Decl. ¶ 6. Waymo takes no position as to the merits of sealing any of  
23 designated material, and expects Defendants to file declarations in accordance with the Local Rules.  
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1 **IV. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
4 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under  
5 seal.

6  
7 DATED: February 4, 2018

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

8  
9 By /s/ Charles Verhoeven

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Attorneys for WAYMO LLC